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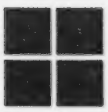

Access to Information Act

Annual Report
2009-2010

Canada

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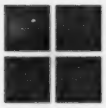

Chapter I – Report on Access to Information Act

About Public Safety Canada

Public Safety Canada plays a key role in developing policies, delivering programs and ensuring cohesion and integration on policy and program issues within the Portfolio. The Department works with other federal departments, other levels of government, first responders, community groups, the private sector and other countries to achieve its objectives. Through the development and implementation of clearly articulated policies and programs, the Department works towards the achievement of its strategic outcome: A safe and resilient Canada.

The Department provides strategic policy advice and support to the Minister of Public Safety on a range of issues, including: national security; emergency management; law enforcement; border management; corrections; and crime prevention.

Approximately 65 per cent of the Department's budget is devoted to delivering grant and contribution programs related to emergency preparedness and response, and community safety.

About the Public Safety Portfolio

The Public Safety Portfolio is large and complex. It encompasses nine distinct organizations all of which directly contribute to the safety and security of Canadians. In addition to Public Safety Canada, the Portfolio includes the Canada Border Services Agency (CBSA), the Canadian Security Intelligence Service (CSIS), the Correctional Service of Canada (CSC), the National Parole Board (NPB), and the Royal Canadian Mounted Police (RCMP). It also includes three arms-length review bodies: the RCMP External Review Committee, the Commission for Public Complaints Against the RCMP, and the Office of the Correctional Investigator.

About the Access to Information Act

The *Access to Information Act* was implemented on July 1, 1983. The goal of the *Act* was to help further the democratic process by promoting transparency and accountability of government to the Canadian citizenry. The *Access to Information Act* creates an enforceable right of access to records under the control of a government in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific, and that decisions with regard to disclosure of government information should be reviewed independently of government.

Section 72 of the *Access to Information Act* requires that the head of every government institution submit an annual report to Parliament on the administration of the Act during the financial year. This report outlines how Public Safety Canada administered the *Access to Information Act* throughout fiscal year 2009-2010.

The Access to Information and Privacy (ATIP) Unit

The Access to Information and Privacy (ATIP) Unit is part of Public Safety Canada's Executive Services Division within the Department's Strategic Policy Branch. It is comprised of one Manager, two senior advisors, four analysts, one junior analyst and one administrative officer. The ATIP Manager served as the Department's ATIP Coordinator throughout the reporting year.

The ATIP Unit is responsible for the coordination and implementation of policies, guidelines and procedures to ensure departmental compliance with the *Access to Information Act* and the *Privacy Act*. The Unit also provides the following services to the Department:

- Processes consultations received from other institutions;
- Provides advice and guidance to employees and senior officials on ATIP related matters;
- Produces the Annual Reports to Parliament;
- Delivers ATIP awareness sessions to departmental employees;
- Coordinates regular updates to Info Source manuals;
- Reviews departmental documents, such as audits and evaluations, prior to proactively disclosing these on the departmental website;
- Develops departmental procedures for processing ATIP requests;
- Maintains the Department's ATIP reading room; and
- Participates in forums for the ATIP community, such as the Treasury Board Secretariat's ATIP Community meetings and working groups.

Delegation of Authority

The responsibilities associated with the administration of the *Access to Information Act*, such as notifying applicants of extensions and transferring requests to other institutions, are delegated to employees of the ATIP Unit through a delegation instrument signed by the Minister of Public Safety. The ATIP delegation instruments were revised in 2009. The ATIP Manager was granted authority to exempt personal information in accordance with section 19(1) of the *ATI Act*. The approval of all exemptions remains equally shared by the Department's Deputy Minister, Associate Deputy Minister, five Assistant Deputy Ministers (ADMs), one Associate ADM, the Director General of Communications, and the Chief Audit Executive.

The current delegation instrument is reproduced at Annex A.

Highlights and Accomplishments for 2009-2010

Public Safety Canada has continued to improve the way in which the Department responds to *ATI* requests, by focusing on improving timeliness, efficiency and accuracy. Some of the highlights are as follows:

- The Department concluded its third consecutive year with over 90 per cent of requests completed within statutory deadlines;

- The Department has remained committed to on-time performance in the face of the continued high volume of requests and consultations received from other institutions;
- Eleven two-hour training sessions, focusing exclusively on the *ATI Act* and the Department's procedures for processing requests, were held throughout the year. A total of 91 employees received this training, which represents approximately 10 per cent of departmental staff;
- The Department's delegation orders were updated twice during the year to reflect how each Minister decided to delegate his responsibilities. The Deputy Minister issued a memorandum to all departmental officials having delegated authorities to inform them of their responsibilities;
- All available standard classes of records applicable to the Department's information holdings were included in updates to *Info Source*; and
- The Department has further engaged ADMs around timeliness of responding to ATIP requests through weekly reporting to senior management and quarterly reporting on meeting retrieval deadlines by Branch.

Challenges

Staffing

As with most federal institutions, recruitment and retention of qualified ATIP professionals continues to be a significant challenge. The challenge at Public Safety Canada is further complicated by the requirement that many ATIP staff require security clearances at the very highest level given the nature of the Department's business. Public Safety Canada continues to examine resources in the ATIP Unit.

Turnover of departmental staff poses challenges for recordkeeping and maintaining awareness of ATIP procedures.

Consultations with other institutions

Many of the Department's requests require consultation with other federal institutions, other levels of government and third parties, and extensions for the purpose of consulting such institutions are often required. Public Safety Canada's ability to meet its extended statutory deadlines for responding to requests is often dependent on the performance of other institutions in responding to our requests within a reasonable period of time. The ATIP Unit continues to examine its procedures in this regard.

Chapter II – Access to Information Act Statistical Report

Overall Workload Trends

Annex B provides a summarized statistical report on *Access to Information Act* requests processed by Public Safety Canada between April 1, 2009 and March 31, 2010. The following section provides an overview and interpretation of this information.

The overall workload for the ATIP Unit has been relatively stable over the past five years. The figures below include formal Access and Privacy requests, and consultations received from other institutions. They do not reflect requests processed informally or other services that the ATIP Unit provides to the Department.

The following table provides an overall breakdown of workload by category for the past five years.

	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
ATI requests received by Public Safety Canada	172	229	296	235	208
Privacy requests received by Public Safety Canada	11	11	17	12	37
ATI consultations received from other institutions	159	177	175	198	136
Privacy consultations received from other institutions	7	5	7	10	18
Total workload	349	422	495	455	399

Requests Received under the *Access to Information Act*

Public Safety Canada received 208 new *Access to Information* requests throughout the 2009-2010 fiscal year, representing a slight decrease in the number of requests received the previous year (235). Fifty-three requests were carried forward from the previous fiscal year, resulting in a total of 261 requests to process during 2009-2010. Two hundred and thirty-three of these requests were completed during the reporting year, while the remaining 28 requests were carried forward to the next reporting year.

Source of Requests

Media continued to dominate the source of requests received by Public Safety Canada for the 2009-2010 fiscal year. Of the 208 requests received, the media comprised 49 per cent of that number (103). Members of the public who did not identify themselves as belonging to any other category accounted for 25 per cent of requests (52), and 11 per cent were received from organizations (22). A small percentage of requests were submitted from businesses (16) and academia (15), at 8 per cent and 7 per cent respectively.

Extensions

Section 9 of the *Access to Information Act* allows institutions to extend the legal deadline for processing a request if a search for responsive records cannot be completed within 30 days of receipt of the request, or if the institution must consult with other institutions or third parties.

Public Safety Canada plays a role in coordinating activities involving federal institutions within the Public Safety portfolio as well as with other organizations at all levels of government on matters relating to the safety of Canadians. Extensions in excess of 90 days are therefore often necessary in order to undertake the required consultations.

The Department invoked a total of 99 extensions during the 2009-2010 fiscal year, and 88 of these were for more than 31 days. A total of 15 extensions were invoked due to the high volume of records involved. Eighty-one extensions were required in order to undertake consultations with other federal institutions, and three were required for third party notification.

Of the 233 requests completed over the year, 140 (60 per cent), of requests were completed in 30 days or less, while 93 (40 per cent), were completed beyond 30 days. Twenty-three requests were completed within 31 to 60 days, and 28 were completed within 61 to 120 days. Forty-two requests were completed within 121 days or greater.

Disposition of Requests for 2009-2010

As many of the documents processed by Public Safety Canada's ATIP Unit contain sensitive information relating to national security and law enforcement, as well as advice to the Minister and Cabinet records, the majority of departmental responses contain exempted and/or excluded information.

The following table identifies the disposition of requests completed during the year.

All disclosed	65	Transferred	8
Disclosed in part	103	Unable to process	40
Nothing disclosed (excluded)	1	Abandoned by applicant	13
Nothing disclosed (exempt)	0	Treated informally	3

Consultations from Other Institutions

The Department's role in coordinating with other federal institutions as well as those within the Public Safety portfolio has resulted in the Department having a greater interest in records processed by other institutions. A significant amount of the ATIP Unit's workload involves responding to consultations in response to formal requests received by other institutions.

The Department received 136 consultations over the course of the year from other federal institutions responsible for responding to requests they received under the *Access to Information Act* containing information of interest to Public Safety Canada.

Investigations

The Office of the Information Commissioner notified Public Safety Canada of seven new complaints received throughout 2009-2010. This number represents a significant decrease from the previous year, during which time 58 complaints had been received.

Three of the complaints received concerned the length of extension invoked, while two complaints were registered under the category "denial of access" because the Department had notified requesters that records responding to the requests could not be located. One complaint concerned the exemptions/exclusions applied to withhold information and one complaint was pertaining to delay.

A total of 27 complaints were completed during the reporting period. The Information Commissioner's findings with respect to the complaints were as follows:

Of the 15 complaints regarding denial of access, eight were considered not well founded, four were discontinued and three were resolved;
Of the six complaints concerning the application of exemptions, four were considered not well founded, one was discontinued and one was considered resolved;
Of the five complaints received on time extensions, three were not well founded, one was discontinued, and one was resolved.
The one complaint regarding deemed refusal was considered not substantiated and resolved.

Appeals to the Court

There was one appeal to the Federal Court that had been included in the 2008–2009 Annual Report to Parliament. The matter is ongoing.

Training

The Department focused on furthering ATIP awareness in 2009-2010. The ATIP Unit delivered a total of 11 two-hour information sessions with a total of 91 employees attending the sessions. The ATIP Unit also provided ongoing individualized training on departmental procedures to Public Safety Canada's employees who assume ATIP responsibilities. The Department hopes to expand its resources to be able to provide more frequent and comprehensive training sessions for employees as well as develop training materials and resources.

Informal Processes

Whenever possible, information is provided informally to the public by departmental employees. For example, the Communications Directorate responds to many requests for information from the media and the Canadian public. Additionally, the departmental website serves as a source of information, where contracts over $25,000 and expenses of senior officials are routinely disclosed. Given the sensitivity of much of the information held in Public Safety Canada, there are few opportunities to disclose other types of information informally.

Public Reading Room

The *Access to Information Act* requires that institutions maintain a reading room where the public can review records. Records released under the *ATI Act* in the current year, as well as those released during the preceding two years are available for viewing at no charge. Photocopying costs are applied at $0.20 per page. The reading room is located at 269 Laurier Avenue West, 11th floor, Ottawa, Ontario. Access to the facilities are available by appointment only from Monday to Friday between 10:00 am and 3:00 pm, holidays excepted.

Annex A : Delegation Order – *Access to Information Act*

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Annex B : Statistical Report – *Access to Information Act*

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